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General Assembly

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Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Denmark, Finland, Georgia, Germany, Guatemala, Iceland, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, Norway, Slovenia, Spain, Sweden, Switzerland and the former Yugoslav Republic of Macedonia: draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of displacement and concerned about factors, such as climate change, that are expected to exacerbate the impact of

[1] Guiding Principles on Internal Displacement, introduction, paragraph 2, see E/CN.4/1998/53/Add.2, annex.

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natural hazards, and climate-related slow-onset events causing further displacement of persons,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

Noting, in this regard, that 2009 marks the sixtieth anniversary of the Geneva Conventions of 1949,[3] which constitute one vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Welcoming the adoption on 22 October 2009 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Welcoming also the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of

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[2] Guiding Principles on Internal Displacement, principle 6.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[4]

Welcoming the cooperation established between the Representative of the Secretary-General on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 62/153 of 18 December 2007 and Human Rights Council resolution 6/32 of 14 December 2007,[6]

1. *Welcomes* the report of the Representative of the Secretary-General on the human rights of internally displaced persons and its conclusions and recommendations;[7]

2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, to continue the development of benchmarks for achieving durable solutions and measures of prevention, including early warning, as well as ways to strengthen protection, assistance and durable solutions for internally displaced persons, and to continue to promote comprehensive strategies, taking into account the primary responsibility of States within their jurisdiction;

4. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

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[4] Art. 7, paras. 1 (d) and 2 (d), and art. 8, paras. 2 (a) (vii) and 2 (e) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[5] A/CONF.157/24 (Part I), chap. III.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[7] See A/64/214.

5. *Calls upon* States to provide durable solutions and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Expresses* particular concern at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Representative of the Secretary-General to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council and giving appropriate consideration to annex I of the report of the Special Representative of the Secretary-General for Children and Armed Conflict[8] entitled "Rights and guarantees for internally displaced children";

7. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments, international organizations and non-governmental organizations during all phases of displacement, and their participation, where appropriate, in programmes and activities pertaining to them;

8. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

9. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urges the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

10. *Recognizes* the Guiding Principles on Internal Displacement[1] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

11. *Welcomes* the ongoing use of the Guiding Principles by the Representative of the Secretary-General in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote

[8] See A/64/254, annex I.

capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

12. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

13. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Representative for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

14. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

15. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons, and to ensure, when camps and settlements for internally displaced persons are necessary, that their civilian and humanitarian character is maintained;

16. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

17. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Representative of the Secretary-General, and requests the continued participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

18. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

19. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

20. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

21. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

22. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue their support to the Representative;

23. *Encourages* the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

24. *Requests* the Representative of the Secretary-General to prepare, for the General Assembly at its sixty-fifth and sixty-sixth sessions, a report on the implementation of the present resolution;

25. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-sixth session.

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Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Norway, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uganda and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of

[1] Guiding Principles on Internal Displacement, introduction, paragraph 2; see E/CN.4/1998/53/Add.2, annex.

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human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of internal displacement and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related slow-onset events,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

Noting, in this regard, that 2009 marks the sixtieth anniversary of the Geneva Conventions of 1949,[3] which constitute one vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Welcoming the adoption on 22 October 2009 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Welcoming also the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

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[2] Guiding Principles on Internal Displacement, principle 6.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[4]

Welcoming the cooperation established between the Representative of the Secretary-General on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 62/153 of 18 December 2007 and Human Rights Council resolution 6/32 of 14 December 2007,[6]

1. *Welcomes* the report of the Representative of the Secretary-General on the human rights of internally displaced persons and its conclusions and recommendations;[7]

2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, to continue the development of benchmarks for achieving durable solutions and measures of prevention, including early warning, as well as ways to strengthen protection, assistance and durable solutions for internally displaced persons, and to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

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[4] Art. 7, paras. 1 (d) and 2 (d), and art. 8, paras. 2 (a) (vii) and 2 (e) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[5] A/CONF.157/24 (Part I), chap. III.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[7] See A/64/214.

4. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

5. *Calls upon* States to provide durable solutions and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Expresses* particular concern at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Representative of the Secretary-General to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council and giving appropriate consideration to annex I of the report of the Special Representative of the Secretary-General for Children and Armed Conflict[8] entitled "Rights and guarantees for internally displaced children";

7. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as their participation, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

8. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

9. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

10. *Recognizes* the Guiding Principles on Internal Displacement[1] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard,

[8] See A/64/254, annex I.

and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

11. *Welcomes* the ongoing use of the Guiding Principles by the Representative of the Secretary-General in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

12. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

13. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

14. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Representative for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

15. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

16. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons, and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

17. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

18. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Representative of the Secretary-

General, and requests the continued participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

19. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

20. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

21. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

22. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

23. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Representative;

24. *Encourages* the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

25. *Requests* the Representative of the Secretary-General to prepare, for the General Assembly at its sixty-fifth and sixty-sixth sessions, a report on the implementation of the present resolution;

26. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-sixth session.

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Sixty-fourth session
Third Committee
Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the constructive dialogue with the Committee on the Rights of the Child during the consideration of the Democratic People's Republic of Korea's combined third and fourth periodic reports on the implementation of the Convention on the Rights of the Child as a sign of engagement in international cooperative

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.

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efforts in the field of human rights, and hoping that the enhanced dialogue will contribute to improving the situation of children in the country,

Taking note of the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party, the most recent of which were given by the Committee on the Rights of the Child in January 2009,[4]

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007 and 63/190 of 18 December 2008, Commission on Human Rights resolutions 2003/10 of 16 April 2003, 2004/13 of 15 April 2004 and 2005/11 of 14 April 2005, Human Rights Council decision 1/102 of 30 June 2006 and Human Rights Council resolutions 7/15 of 27 March 2008 and 10/16 of 26 March 2009, and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[5] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 63/190,

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Welcoming the recent resumption of the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of

[4] See CRC/C/PRK/CO/4.

[5] See A/64/224.

the death penalty for political and religious reasons; collective punishments; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and, in this regard, urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to improving the situation of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(iv) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and on the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention, institutions and children in conflict with the law;[4]

(viii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(ix) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15 and 10/16;

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, partly as a result of frequent natural disasters, compounded by the misallocation of resources away from the satisfaction of basic needs, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of maternal malnutrition and of infant malnutrition, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the limited access to information;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of

Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization with a view to significantly improving workers' rights;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement food security policies, including through sustainable agriculture;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-fifth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations.

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Sixty-fourth session
Third Committee
Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 63/245 of 24 December 2008, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 10/27 of 27 March 2009[3] and 12/20 of 2 October 2009,[4]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.
[4] A/HRC/RES/12/20.

Please recycle

Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the press statements of the Security Council of 22 May 2009 and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar,[7] as well as his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and 26 and 27 June 2009 respectively, while regretting that the Government of Myanmar did not seize the opportunity of these visits to work towards the fulfilment of the good offices mission,

Welcoming further the reports of the Special Rapporteur on the situation of human rights in Myanmar[8] and his oral presentations, and the fact that a date has now been established for a follow-up visit by the Special Rapporteur,

Deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been met, and emphasizing that, without significant progress towards meeting these calls of the international community, the situation of human rights in Myanmar will continue to deteriorate,

Deeply concerned at restrictions to effective and genuine participation of the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including some ethnic groups, in a genuine process of dialogue, national reconciliation and transition to democracy,

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress as regards human rights and fundamental freedoms, and political processes, and to take immediate steps to ensure a free and fair electoral process which is transparent and inclusive, leading to a genuine democratic transition through concrete measures,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses grave concern* at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi, resulting in her return to house arrest, and calls for her immediate and unconditional release;

3. *Urges* the Government of Myanmar to release all prisoners of conscience, currently estimated at over 2,000, without delay, without conditions and with full restoration of their political rights, while noting the recent release of more than 100 prisoners of conscience, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance, and to desist from further politically motivated arrests;

4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, notes with appreciation recent contact between the Government of Myanmar and Daw Aung San Suu Kyi, and calls

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[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/64/334.

[8] A/64/318 and A/HRC/10/19.

on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties and ethnic groups, and to permit Daw Aung San Suu Kyi contact with the National League for Democracy and other domestic stakeholders;

5. *Strongly urges* the Government of Myanmar to ensure the necessary steps to be taken towards a free, fair, transparent and inclusive electoral process and calls on the Government to take such steps without delay, including by enacting the required electoral laws and allowing the participation of all voters, all political parties, and all other relevant stakeholders in the electoral process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship;

7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, and strongly calls upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes;

8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, while recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of the opposition from the process;

9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

11. *Expresses its deep concern* about the resumption of armed conflict in some areas and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

16. *Welcomes* the dialogue between the Government of Myanmar and the Committee on the Elimination of All Forms of Discrimination against Women on the occasion of the consideration of the Government's report in November 2008, as a sign of engagement in international cooperative efforts in the field of human rights, and encourages the Government to work to fulfil the recommendations of the Committee;

17. *Calls upon* the Government of Myanmar to consider acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

18. *Calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

19. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

20. *Notes with appreciation* that some further steps have been taken with regard to the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, but expresses grave concern at the continuing practice of forced labour, and urges the Government to continue to work with the International Labour Organization on the basis of the understanding, including through awareness-raising activities, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing the recommendations of the Commission of Inquiry of the International Labour Organization;

21. *Notes* the continued cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and in the light of ongoing humanitarian need encourages the Government of Myanmar to ensure that cooperation is maintained, and the continuation of the Tripartite Core Group mechanism;

22. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons;

23. *Also calls upon* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

24. *Welcomes* the progress reported on the work conducted by the Government of Myanmar and international humanitarian entities on HIV/AIDS;

25. *Reaffirms* its full support for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and urges the Government of Myanmar to cooperate fully with the good offices mission in the fulfilment of its responsibilities as mandated by the General Assembly, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant parties, including the highest level of leadership within the regime, human rights defenders, representatives of ethnic minorities, student leaders and other opposition groups, and to respond substantively and without delay to the five-point plan of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

26. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General, and in relief efforts following Cyclone Nargis, and encourages the continuation and intensification of efforts in this regard;

27. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar to facilitate the work of the good offices mission;

28. *Welcomes further* the favourable response to granting the Special Rapporteur's requests to visit the country, and urges the Government to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

29. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

30. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-fifth session as well as to the Human Rights Council on the progress made in the implementation of the present resolution;

31. *Decides* to continue the consideration of the question at its sixty-fifth session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

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Sixty-fourth session
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Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 63/245 of 24 December 2008, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 10/27 of 27 March 2009[3] and 12/20 of 2 October 2009,[4]

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* Re-issued for technical reasons.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[4] A/HRC/RES/12/20.

09-58883* (E) 051109

Please recycle

Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the press statements of the Security Council of 22 May 2009 and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar,[7] as well as his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and 26 and 27 June 2009 respectively, while regretting that the Government of Myanmar did not seize the opportunity of these visits to work towards the fulfilment of the good offices mission,

Welcoming further the reports of the Special Rapporteur on the situation of human rights in Myanmar[8] and his oral presentations, and the fact that a date has now been established for a follow-up visit by the Special Rapporteur,

Deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been met, and emphasizing that, without significant progress towards meeting these calls of the international community, the situation of human rights in Myanmar will continue to deteriorate,

Deeply concerned at restrictions to effective and genuine participation of the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including some ethnic groups, in a genuine process of dialogue, national reconciliation and transition to democracy,

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress as regards human rights and fundamental freedoms, and political processes, and to take immediate steps to ensure a free and fair electoral process which is transparent and inclusive, leading to a genuine democratic transition through concrete measures,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses grave concern* at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi, resulting in her return to house arrest, and calls for her immediate and unconditional release;

3. *Urges* the Government of Myanmar to release all prisoners of conscience, currently estimated at over 2,000, without delay, without conditions and with full restoration of their political rights, while noting the recent release of more than 100 prisoners of conscience, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance, and to desist from further politically motivated arrests;

4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, notes with appreciation recent contact between the Government of Myanmar and Daw Aung San Suu Kyi, and calls

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[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/64/334.

[8] A/64/318 and A/HRC/10/19.

on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties and ethnic groups, and to permit Daw Aung San Suu Kyi contact with the National League for Democracy and other domestic stakeholders;

5. *Strongly urges* the Government of Myanmar to ensure the necessary steps to be taken towards a free, fair, transparent and inclusive electoral process and calls on the Government to take such steps without delay, including by enacting the required electoral laws and allowing the participation of all voters, all political parties, and all other relevant stakeholders in the electoral process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship;

7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, and strongly calls upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes;

8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, while recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of the opposition from the process;

9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

11. *Expresses its deep concern* about the resumption of armed conflict in some areas and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

16. *Welcomes* the dialogue between the Government of Myanmar and the Committee on the Elimination of Discrimination against Women on the occasion of the consideration of the Government's report in November 2008, as a sign of engagement in international cooperative efforts in the field of human rights, and encourages the Government to work to fulfil the recommendations of the Committee;

17. *Calls upon* the Government of Myanmar to consider acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

18. *Calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

19. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

20. *Notes with appreciation* that some further steps have been taken with regard to the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, but expresses grave concern at the continuing practice of forced labour, and urges the Government to continue to work with the International Labour Organization on the basis of the understanding, including through awareness-raising activities, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing the recommendations of the Commission of Inquiry of the International Labour Organization;

21. *Notes* the continued cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and in the light of ongoing humanitarian need encourages the Government of Myanmar to ensure that cooperation is maintained, and the continuation of the Tripartite Core Group mechanism;

22. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons;

23. *Also calls upon* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

24. *Welcomes* the progress reported on the work conducted by the Government of Myanmar and international humanitarian entities on HIV/AIDS;

25. *Reaffirms* its full support for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and urges the Government of Myanmar to cooperate fully with the good offices mission in the fulfilment of its responsibilities as mandated by the General Assembly, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant parties, including the highest level of leadership within the regime, human rights defenders, representatives of ethnic minorities, student leaders and other opposition groups, and to respond substantively and without delay to the five-point plan of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

26. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General, and in relief efforts following Cyclone Nargis, and encourages the continuation and intensification of efforts in this regard;

27. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar to facilitate the work of the good offices mission;

28. *Welcomes further* the favourable response to granting the Special Rapporteur's requests to visit the country, and urges the Government to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

29. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

30. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-fifth session as well as to the Human Rights Council on the progress made in the implementation of the present resolution;

31. *Decides* to continue the consideration of the question at its sixty-fifth session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

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Sixty-fourth session
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Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 63/191 of 18 December 2008,

1. *Takes note* of the report of the Secretary General submitted pursuant to its resolution 63/191,[3] which highlights many areas of continuing concern with respect to the promotion and protection of human rights in the Islamic Republic of Iran and notes with particular concern negative developments in the area of civil and political rights since June 2008, and which discusses some positive achievements with respect to economic and social indicators;

2. *Expresses its deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/64/357.

09-58720 (E) 021109

Please recycle

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles;

(c) Stoning as a method of execution and persons in prison who continue to face sentences of execution by stoning, notwithstanding a circular from the head of the judiciary prohibiting stoning;

(d) Arrests, violent repression and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;

(e) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'i faith from attending university and from sustaining themselves economically, and the continuing detention of seven Baha'i leaders who were arrested in March and May 2008 and faced with serious charges without adequate or timely access to legal representation;

(f) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, Internet users and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students, noting in particular the forced closure of the Defenders of Human Rights Centre and the subsequent arrest and harassment of a number of its staff;

(g) Severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention and lengthy jail sentences for those exercising their right to freedom of religion or belief;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, and lack of timely access to legal representation;

3. *Also expresses particular concern* at the response of the Government of the Islamic Republic of Iran following the Presidential election of 12 June 2009 and the concurrent rise in human rights violations including, inter alia:

(a) Harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, of opposition members, journalists and other media representatives, bloggers, lawyers, clerics, human rights defenders, academics, students and others exercising their rights to peaceful assembly and association and freedom of opinion and expression, resulting in numerous deaths and injuries;

(b) Use of violence and intimidation by Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of association, also resulting in numerous deaths and injuries;

(c) Interfering in the right to a fair trial by, inter alia, holding mass trials and denying defendants access to adequate legal representation, resulting in death sentences and lengthy jail sentences for some individuals;

(d) Reported use of forced confessions and abuse of prisoners including, inter alia, rape and torture;

(e) Escalation in the rate of executions in the months following the elections;

(f) Further restrictions on freedom of expression, including severe restrictions on media coverage of public demonstrations and the disruption of telecommunications and Internet technology and the forcible closure of the offices of several organizations involved in the investigation of the situation of persons imprisoned following the election;

(g) Arbitrary arrest and detention of employees of foreign embassies in Tehran, thereby unduly interfering with the performance of the functions of those missions in a manner inconsistent with the Vienna Convention on Diplomatic Relations[4] and the Vienna Convention on Consular Relations;[5]

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child[6] and article 6 of the International Covenant on Civil and Political Rights,[2] executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning as a method of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[7] which recommended ways in which the Islamic Republic of

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[4] United Nations, *Treaty Series*, vol. 500, No. 7310.

[5] Ibid., vol. 596, No. 8638.

[6] Ibid., vol. 1577, No. 27531.

[7] See E/CN.4/1996/95/Add.2.

Iran could emancipate the Baha'i community, and also to accord the seven Baha'i leaders held since 2008 the due process of law rights they are constitutionally guaranteed, including the right to adequate legal representation and the right to a fair trial;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views, including those detained following the Presidential election of 12 June 2009;

(i) To uphold due process of law rights, to end impunity for human rights violations, and to launch a credible, impartial and independent investigation into the allegations of post-Presidential election human rights violations;

5. *Further calls upon* the Government of the Islamic Republic of Iran to redress its inadequate record of cooperation with international human rights mechanisms by, inter alia, reporting pursuant to its obligations to the treaty bodies of the instruments to which it is a party and cooperating fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

6. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations, particularly those arising since 12 June 2009, can be conducted;

7. *Invites* the thematic special procedures mandate holders to pay particular attention to the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, with a view to investigating and reporting on the various human rights violations that have arisen since 12 June 2009;

8. *Requests* the Secretary-General to report to it at its sixty-fifth session on the progress made in the implementation of the present resolution;

9. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/64/L.38

General Assembly

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Sixty-fourth session

Third Committee

Agenda item 69 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Armenia, Australia, Austria, Canada, Costa Rica, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,[1]

Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association, expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

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Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Gravely concerned also by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Gravely concerned further by the considerable number of communications received by the Special Rapporteur on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

Stressing the important role that human rights defenders play in the promotion and protection of all human rights and fundamental freedoms for all, including in combating impunity, promoting access to justice, information and public participation in decision-making and promoting, strengthening and preserving democracy, as well as in fighting poverty and promoting the right to development,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Welcoming the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

Welcoming also regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming also the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[2] including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Rapporteur on the situation of human rights defenders[3] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both local, and national levels, including in times of armed conflict and peacebuilding;

5. *Also calls upon* States to respect and protect the freedom of expression and association of human rights defenders and, in this regard, to ensure that any registration requirements are transparent, non-discriminatory, expeditious and inexpensive and also consistent with the freedom of expression and association, and that such requirements do not obstruct the ability of human rights defenders to exercise these freedoms;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats, and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of her/his mandate and to provide all information in a timely manner as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her/his recommendations;

10. *Strongly encourages* States to translate the Declaration into national languages and to take measures to improve its dissemination, including in local languages;

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[2] Resolution 53/144, annex.

[3] See A/63/288 and A/64/226.

11. *Encourages also* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities, members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights as well as for their work;

12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

13. *Requests* that the Office of the High Commissioner as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

14. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary assistance to the Special Rapporteur for the effective fulfilment of her/his mandate;

15. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur in the implementation of her/his programme of activities;

16. *Requests* the Special Rapporteur to continue to report annually on her/his activities to the General Assembly and to the Human Rights Council in accordance with her/his mandate;

17. *Decides* to consider the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

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Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu: revised draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,[1]

[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

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Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association, expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Gravely concerned also by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Gravely concerned further by the considerable number of communications received by the Special Rapporteur on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

Stressing the important role that individuals, civil society organizations, non-governmental organizations, groups, organs of society and independent national institutions play in the promotion and protection of all human rights and fundamental freedoms for all, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination, and promoting access to justice, democracy, tolerance, human dignity and the right to development, and recalling that all have rights as well as responsibilities and duties within and towards the community,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,

Welcoming the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council, as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

Welcoming also regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional

[2] See resolution 2200 A (XXI), annex.

mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[3] including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Rapporteur on the situation of human rights defenders[4] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both local and national levels, including in times of armed conflict and peacebuilding;

5. *Also calls upon* States to respect, protect and ensure the rights to freedom of expression and association of human rights defenders and, in this regard, to ensure, where procedures governing registration of civil society organizations exist, that these are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

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[3] Resolution 53/144, annex.

[4] See A/63/288 and A/64/226.

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7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Further urges* all States to cooperate with and assist the Special Rapporteur in the performance of her/his mandate and to provide all information in a timely manner, as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her/his recommendations;

10. *Strongly encourages* States to translate the Declaration and to take measures to ensure its widest possible dissemination at national and local levels;

11. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities, and members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights, as well as for their work;

12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and, in this context, requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

13. *Requests* that the Office of the High Commissioner, as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

14. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her/his mandate, including through country visits;

15. *Further requests* the Special Rapporteur to continue to report annually on her/his activities to the General Assembly and to the Human Rights Council in accordance with her/his mandate;

16. *Decides* to consider the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

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Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste and United Kingdom of Great Britain and Northern Ireland: draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 63/181 of 18 December 2008, as well as Human Rights Council resolution 10/25 of 27 March 2009,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

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Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Reaffirming the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights,[1]

Deeply concerned about the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief,

Concerned that acts of violence, or credible threats of violence, by non-State actors against persons belonging to religious minorities are sometimes tolerated or encouraged by official authorities,

Expressing deep concern at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

Concerned about the rise in the number of laws or bills which aim at limiting the freedom of religion or belief and the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women as well as other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

Seriously concerned at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate any human rights, including the right to freedom of thought, conscience and religion;

4. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and christianophobia;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

8. *Emphasizes* that States must prevent, investigate and punish acts of violence against persons belonging to religious minorities, whether those acts are perpetrated by the State or by private persons, and failure of States to exercise due diligence in this manner may constitute a human rights violation;

9. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated or impaired;

(*b*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(*c*) To end violations of the human rights of women and to devote particular attention to abolish practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*d*) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief;

(*e*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, alone or in community with others and in public or private;

(*f*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning one's religious affiliation on such documents against one's will;

(*g*) To ensure, in particular, the right of all persons to worship or assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(*h*) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(*l*) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their territories;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women and minorities, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief,

[3] See resolution 36/55.

in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

13. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;[4]

14. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

15. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

16. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session;

17. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

[4] See A/64/159.

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Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu: revised draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

Please recycle

63/181 of 18 December 2008, as well as Human Rights Council resolution 10/25 of 27 March 2009,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as at the Durban Review Conference,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious minorities are sometimes tolerated or encouraged by official authorities,

Expressing deep concern at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

Concerned about the rise in the number of laws or regulations that limit the freedom of religion or belief and the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women as well as other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

Seriously concerned at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

4. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and

belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolish practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning one's religious affiliation on such documents against one's will;

(g) To ensure, in particular, the right of all persons to worship or assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance

based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(l) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

12. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

13. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

14. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

15. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;[4]

16. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session;

19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

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[3] See resolution 36/55.

[4] See A/64/159.

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Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Benin, Bosnia and Herzegovina, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, France, Gabon, Gambia, Guinea, Kenya, Madagascar, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone and South Africa: draft resolution

Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000, its resolution 56/253 of 24 December 2001 and its resolutions 58/176 of 22 December 2003, 59/183 of 20 December 2004, 60/151 of 16 December 2005, 61/158 of 19 December 2006, 62/221 of 22 December 2007 and 63/177 of 18 December 2008 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling the report of the High Commissioner,[2]

[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

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Taking note of the holding of the twenty-eighth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Libreville from 4 to 8 May 2009,

Taking note also of the report of the Secretary-General,[3]

Welcoming the 2005 World Summit Outcome,[4] in particular the decision confirmed therein to double the regular budget of the Office of the High Commissioner over the next five years,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Takes note* of the implementation of the three-year strategy (2007-2009) for the Centre, which aims to reinforce its activities;[5]

4. *Welcomes* the brainstorming session held on 28 May 2009 in Yaoundé between the Centre and the ambassadors of the subregion as well as the main Cameroonian ministries on possible orientations and activities of the Centre for the period 2009-2011, and encourages the Director of the Centre to institutionalize such exchanges in the future;

5. *Notes* the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure the full implementation of the relevant resolutions of the General Assembly[6] in order to provide sufficient funds and human resources for the missions of the Centre;

6. *Requests* the Secretary-General and the High Commissioner to continue to provide additional funds and human resources within the existing resources of the Office of the United Nations High Commissioner for Human Rights to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution.

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[3] A/64/333.

[4] See resolution 60/1.

[5] See A/62/317, paras. 14-19.

[6] See resolutions 61/158 and 62/221.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Argentina, Armenia, Bangladesh, Belize, Benin, Bolivia (Plurinational State of), Brazil, Cape Verde, Chile, Colombia, Ecuador, Egypt, Eritrea, Guatemala, Haiti, Honduras, Iraq, Kenya, Mauritania, Mexico, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Sri Lanka, Tajikistan and Uruguay: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 63/184 of 18 December 2008, and recalling also Human Rights Council resolution 12/6 of 1 October 2009,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4]

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[4] Ibid., vol. 1249, No. 20378.

Please recycle

the Convention on the Rights of the Child,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Vienna Convention on Consular Relations[7] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[8]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[9] in which it was recognized that migrant workers are among the most vulnerable in the context of the current crisis,

Recalling further Commission on Population and Development resolutions 2006/2[10] of 10 May 2006 and 2009/1[11] of 3 April 2009,

Taking note with appreciation of the *Human Development Report 2009* of the United Nations Development Programme entitled "Overcoming barriers: Human mobility and development",[12]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the judgments of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[13] and of 19 January 2009 regarding the Request for interpretation[14] of the *Avena* judgment, and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development,

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[5] Ibid., vol. 1577, No. 27531.

[6] Ibid., vol. 660, No. 9464.

[7] Ibid., vol. 596, No. 8638.

[8] Ibid., vol. 2220, No. 39481.

[9] See resolution 63/303.

[10] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, para. 2.

[11] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, para. 2.

[12] United Nations Development Programme, *Human Development Report 2009* (Palgrave Macmillan, 2009).

[13] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[14] Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning *Avena and Other Mexican Nationals (Mexico v. United States)*, Mexico v. United States, Judgment, General List No. 139, ICGJ 349 (ICJ 2009).

which recognized the relationship between international migration, development and human rights,

Noting the second meeting of the Global Forum on Migration and Development, held in Manila from 27 to 30 October 2008, welcoming the generous offers of the Governments of Greece and Mexico to host the meetings of the Global Forum in 2009 and 2010, respectively, and recognizing the inclusion of a discussion on migration, development and human rights as a step to address the multidimensional nature of international migration,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the current economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular or undocumented migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, as well as the responsibility of countries of origin, transit and destination, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human

rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Urges* Governments, considering the effects of the current economic and financial crisis on international migration and migrants, to combat unfair or discriminatory treatment of migrants and to avoid unreasonable restrictions on labour migration in order to maximize the benefits of international migration, including by helping economies to adjust to the effects of the crisis and to emerge from it;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[1] and the obligations of States under the International Covenants on Human Rights,[2] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Also calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[8] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and to raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its ninth and tenth sessions;[15]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are parties, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular or undocumented migrants, and to adopt, where applicable, alternative measures to detention;

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[15] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 48* (A/64/148).

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Takes note with appreciation of the measures adopted by some States to reduce detention periods for irregular or undocumented migrants in the application of domestic regulations and laws regarding irregular or undocumented migration;

(d) Takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[7] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights[1] recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Welcomes the immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

(b) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(c) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration in their policies of integration, return and family reunification;

(d) Encourages all States to prevent and eliminate any discriminatory policies that deny migrant children access to education, in particular on the basis of their migratory status;

(e) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification;

(f) Urges States parties to the United Nations Convention against Transnational Organized Crime[16] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[17] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[18] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard, underlines the importance of adequately taking into account the centrality of the human rights perspective in the informal thematic debate on international migration and development, to be held in 2011, as well as in the

[16] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[17] Ibid., vol. 2241, No. 39574.
[18] Ibid., vol. 2237, No. 39574.

High-level Dialogue on International Migration and Development, to be held at its sixty-eighth session, in 2013, pursuant to resolution 63/225 of 19 December 2008;

(c) Invites the Chairperson of the Committee to address the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

(d) Invites the Special Rapporteur to present his reports to the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

7. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee to meet for two separate sessions in 2010, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration, and invites the Committee to consider ways of further improving the effectiveness of its working sessions;

8. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-fifth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, especially unaccompanied children, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

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General Assembly

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11 November 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Algeria, Angola, Argentina, Armenia, Bangladesh, Belarus, Belize, Benin, Bolivia (Plurinational State of), Brazil, Cape Verde, Chile, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Guatemala, Haiti, Honduras, Indonesia, Iraq, Kenya, Kyrgyzstan, Mali, Mauritania, Mexico, Morocco, Nicaragua, Niger, Nigeria, Paraguay, Peru, Philippines, Senegal, Sri Lanka, Tajikistan, Uganda and Uruguay: revised draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 63/184 of 18 December 2008, and recalling also Human Rights Council resolution 12/6 of 1 October 2009,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

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the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Rights of Persons with Disabilities,[7] the Vienna Convention on Consular Relations[8] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[10] which recognizes that migrant workers are among the most vulnerable in the context of the current crisis,

Recalling further Commission on Population and Development resolutions 2006/2[11] of 10 May 2006 and 2009/1[12] of 3 April 2009,

Taking note with appreciation of the *Human Development Report 2009* of the United Nations Development Programme, entitled "Overcoming barriers: Human mobility and development",[13]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the judgments of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[14] and of 19 January 2009 regarding the Request for interpretation[15] of the *Avena* judgment, and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

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[4] Ibid., vol. 1249, No. 20378.

[5] Ibid., vol. 1577, No. 27531.

[6] Ibid., vol. 660, No. 9464.

[7] Resolution 61/106, annex I.

[8] Ibid., vol. 596, No. 8638.

[9] Ibid., vol. 2220, No. 39481.

[10] See resolution 63/303.

[11] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, para. 2.

[12] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, para. 2.

[13] United Nations Development Programme, *Human Development Report 2009* (Palgrave Macmillan, 2009).

[14] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[15] Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning *Avena and Other Mexican Nationals (Mexico v. United States)*, Mexico v. United States, Judgment, General List No. 139, ICGJ 349 (ICJ 2009).

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

Noting the second and third meetings of the Global Forum on Migration and Development, held in Manila from 27 to 30 October 2008 and in Athens from 2 to 5 November 2009, respectively, recognizing the discussion on the "Inclusion, protection and acceptance of migrants in society — linking human rights and migrant empowerment for development" as a step to address the multidimensional nature of international migration, and taking note with appreciation of the generous offers of the Governments of Mexico and Spain to host the Global Forum meetings in 2010 and 2011, respectively,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international rights law,

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* over the impact of the current economic and financial crisis on international migrations and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[1] and the obligations of States under the International Covenants on Human Rights,[2] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Also calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and to raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its ninth and tenth sessions;[16]

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[16] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 48* (A/64/148).

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration and in the application of domestic regulations and laws regarding irregular migration;

(d) Takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[8] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(b) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(c) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(d) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(e) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification;

(f) Urges States parties to the United Nations Convention against Transnational Organized Crime[17] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[18] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[19] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

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[17] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[18] Ibid., vol. 2241, No. 39574.

[19] Ibid., vol. 2237, No. 39574.

(b) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard, underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(c) Invites the Chairperson of the Committee to address the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

(d) Invites the Special Rapporteur to present his reports to the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

7. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee to meet for a maximum of three weeks in one session or two separate sessions in 2010, as required by the number of reports submitted to the Committee, and requests the Committee to further consider ways of improving the effectiveness of its working sessions and to report to the General Assembly on the use of its meeting time;

8. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-fifth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular children, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

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General Assembly

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Sixty-fourth session

Third Committee

Agenda item 69 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Mexico, Monaco, Montenegro, Netherlands, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo and the United Kingdom of Great Britain and Northern Ireland: draft resolution

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177, of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,[1]

Recalling its resolution 47/133, of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Recalling also its resolution 63/186 of 18 December 2008, as well as relevant resolutions adopted by the Human Rights Council, including resolution 10/10, in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances and its recommendations,[2]

[1] Resolution 61/177, annex.

[2] A/HRC/10/9.

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Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recognizing the importance of the right of victims to know the truth regarding the circumstances of the enforced disappearance, as set out in the International Convention for the Protection of All Persons from Enforced Disappearance,

Acknowledging that acts of enforced disappearance are recognized by the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with relevant international humanitarian law in this field,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, will be a significant contribution to end impunity and to the promotion and protection of human rights,

1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;[1]

2. *Also welcomes* the fact that eighty-one States have signed the Convention and sixteen have ratified or acceded to it, and calls upon States which have yet not done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009;

3. *Further welcomes* the report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to intensify efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental, non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

6. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-fifth session a report on the status of the Convention and the implementation of the present resolution.

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[3] A/64/171.

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General Assembly

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Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Senegal, Serbia, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu and Venezuela (Bolivarian Republic of): revised draft resolution

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Recalling also its resolution 63/186 of 18 December 2008, as well as relevant resolutions adopted by the Human Rights Council, including resolution 10/10 of 26 March 2009,[1] in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances and its recommendations,[2]

[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.
[2] A/HRC/10/9.

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Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention for the Protection of All Persons from Enforced Disappearance sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized by the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, and its implementation, will be a significant contribution to end impunity and to the promotion and protection of all human rights for all,

1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;[1]

2. *Also welcomes* the fact that eighty-one States have signed the Convention and sixteen have ratified it or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009;

3. *Further welcomes* the report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearances;[2]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue with their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

6. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the status of the Convention and the implementation of the present resolution.

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[1] Resolution 61/177, annex.

[2] A/64/171.